

APPROVED: Meeting No. 45-89

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 43-89

October 10, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on October 10, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle  
(arrived at 7:50 p.m.)

Councilmember Viola Hovsepien

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. In order to remind everyone to have a safe Halloween, the Kiwanis Club, Rockville Watch Program and the Police Department are producing and distributing Halloween bags throughout the community.

2. The City is getting ready to put up the Holiday banners which will add color to the downtown area. The company from which the banners are purchased is featuring Rockville's specialized banner "Celebrate Rockville" in its promotional literature.

3. Another in the series of Project Status Reports has been issued, this one dated October 5. Copies are available to any interested parties upon request. Anyone who would like to see projects included that are not currently in the report should advise the City Manager.

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In response to Mayor Duncan, Mr. Romer indicated that the reports would be produced bi-weekly and would be made available with the Mayor and Council agenda packets.

4. Another goal of the Mayor and Council this year is to bond the relationship with the City of Baltimore. On October 23, 1989, from 4:30 p.m. to 5:30 p.m., at Baltimore City Hall, there will be an official ceremony to launch the city-to-city exchange program with Mayor Schmoke and other Baltimore representatives. Group travel arrangements are being planned for the Rockville attendees.

5. We have a new staff member on board, Rita Rochelle, who will be writing, producing and hosting a variety of new cable television programs for Rockville's cable television channel.

6. The annual meeting of the Rockville Sister City Corporation will be held on October 24 at 6:00 p.m. at the Civic Center, and everyone is invited to participate.

7. This coming week, 19 students from Pinneberg will be arriving to spend three weeks in Rockville. A welcoming program will be held at 10:00 a.m. on Tuesday, October 17, at City Hall; a welcoming luncheon will be held at 12:30 p.m. that same day at the Civic Center.

8. Mr. Romer expressed his appreciation for the opportunity to represent the City of Rockville, along with Councilmember Robbins, in Pinneberg. It was a most rewarding experience to be part of the delegation that visited Pinneberg. A further goal is to attempt to foster a staff level of exchange with Pinneberg as we already have a solid citizen and elected officials level of exchange.

Re: Proclamation declaring October  
16, 1989, as "World Food Day"  
in Rockville.

Proclamation No. 24-89

World Food Day is a worldwide event designed to increase awareness, understanding and informed year-round, long-term action on the complex issues of food

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security for all. By a unanimous vote of the Mayor and Council, October 16, 1989, was declared "World Food Day" in Rockville. Councilmember Abrams read the Proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council. Councilmember Abrams commented that the Student Government Association of Julius West Middle School, winners of the Golden Can Award for the past two years in connection with the Holiday Food Drive, will be recognized by the Director of the Department of Agriculture during the Department's World Food Day activities.

Adrienne Carr of Community Ministries of Rockville received the Proclamation.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed by a vote of all those present (Councilmember Coyle having not yet arrived), Naomi Resnick was appointed Chairperson of the Advisory Commission on Public Education for a one-year term.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed by a vote of all those present (Councilmember Coyle having not yet arrived), John Moser was reappointed Chairperson of the Cultural Arts Commission for a one-year term.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed by a vote of all those present (Councilmember Coyle having not yet arrived), Sandra Levine was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed by a vote of all those present (Councilmember Coyle having not yet arrived), Byron Mullican was appointed to a two-year term on the Recreation and Park Advisory Board.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed by a vote of all those present (Councilmember Coyle having not yet arrived), James Henry was reappointed Chairperson of the Senior Citizens Commission for a one-year term.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed

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(Councilmember Coyle having not yet arrived), W. Thomas Curtis, Bernice Grossman, Susan Hoffmann, Robert Jaynes, Calvin Miller and Anne Taylor were appointed to the newly formed Rockville-Baltimore City-to-City Task Force.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Alan Fluke, 7240 Titonka Way, expressed his appreciation to the Mayor and Council for the resolution scheduled for adoption on the evening's agenda to reduce the admissions and amusement tax for miniature golf. He also requested that the Mayor and Council consider the reduction of the arcade games tax to seven percent consistent with Montgomery County.

Mayor Duncan stated that staff will be reporting to them on the ramifications of such a reduction which has City-wide implications.

2. Arnold Barnett, 19 Orchard Way North, addressed the travel policy of the Mayor and Council, particularly with respect to official versus non-official visits to Rockville's Sister City, Pinneberg, West Germany.

Mr. Barnett was advised that the issue would be discussed in greater detail later on the evening's agenda.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 41-89 (September 25, 1989) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 42-89 (September 26, 1989) were approved, as written.

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Re: Consent Agenda

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid 47-90 for the removal of asbestos insulation and encapsulation for the low bid price of \$24,800.

This will remove a hazardous material from the Water Treatment Plant.

- C. Introduction of Ordinance to amend Section 1-203 of Chapter 10 of the "Laws of Rockville," entitled "Property Maintenance Code" to provide for increased and uniform fines for violations of all sections of this code.

Municipal infraction citations would carry a fine of \$100 for initial violations and \$200 for subsequent violations of the Property Maintenance Code.

Re: Award of Art in Public Places Commission in the amount of \$20,000 to Mame Cohalan for the Dogwood Park site.

This aluminum sculpture artwork was selected by the Artist Nomination Committee from submissions by 30 area artists. Councilmember Abrams noted that he had asked to have this item (B) removed from the Consent Agenda only for the opportunity to indicate that it is a spectacular piece of work.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Art in Public Places Commission in the amount of \$20,000 for the Dogwood Park site was awarded to Mame Cohalan.

Re: Discussion and Instructions to Staff - Permit Parking for the 5800 block of Ridgway Avenue.

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Designation of this area for permit parking would create a standard 8:00 a.m. to 5:00 p.m. Monday through Friday parking zone on both sides of the street with Leahy Avenue and Ardennes Avenue as boundaries.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, staff was instructed to prepare for approval by the Mayor and Council a resolution establishing a permit parking district in the 5800 block of Ridgway Avenue.

Re: Discussion and Instructions  
to Staff - Permit Parking for  
the 100 block of South Adams  
Street.

Designation of this area for permit parking would create a standard 8:00 a.m. to 5:00 p.m. Monday through Friday parking zone on both sides of the street, with Jefferson Street being the north boundary and Maryland Avenue the south boundary.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, staff was instructed to prepare for approval by the Mayor and Council a resolution establishing a permit parking district in the 100 block of South Adams Street.

Re: Discussion and Instructions  
to Staff - Permit Parking on  
the 1000 block of Grandin  
Avenue.

Designation of this area for permit parking would create a parking zone from 1001 Grandin Avenue to 1023 Grandin Avenue. The intent of the petition for permit parking is to extend the restricted hours beyond the standard 8:00 a.m. to 5:00 p.m.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, staff was instructed to prepare for approval by the Mayor and Council a resolution establishing a permit parking district on Grandin Avenue from 1001 to 1019, with the effective hours being 8:00 a.m. to 8:00 p.m.

Re: Discussion and Instructions  
to Staff - Annexation Petition  
X-106-89, Joseph A. Lynott,  
Attorney for SPI Limited  
Partnership, Applicant.

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This petition requests annexation into the City of Rockville and I-3 zoning of a 27,137 square foot parcel of property located at the southeast quadrant of the Shady Grove Road and I-270 interchange.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, staff was instructed to prepare the appropriate documents for approval by the Mayor and Council of Annexation Petition X-106-89 consistent with the condition set forth by the Rockville Planning staff and designation of I-3 zoning for the property.

Re: Adoption of Resolution to  
modify the Admissions and  
Amusement Tax.

Resolution No. 27-89

This resolution reduces the admissions and amusement tax for miniature golf from the current ten percent to seven percent.

Councilmember Hovsepian requested that staff research the possibilities of some tax relief for businesses such as miniature golf course which preserve open space.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the resolution was amended to change the effective date of the resolution from October 1, 1989, to January 1, 1990.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 27-89, as amended, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to reduce the admissions and amusement tax for miniature golf from ten percent to seven percent.

Re: Adoption of Resolution to  
establish new fee schedule for  
licensing of rental units  
within the City so as to exempt  
non-profit housing and  
management corporations from  
the multiple family dwelling  
license fee.

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Resolution No. 28-89

This exemption would apply only to the payment of the per-unit license fee. Inspections and licensing of the multi-family complex would continue to be required annually.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 28-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to establish a new fee schedule for licensing of rental units within the City.

Re: Approval of Resolution in support of federal legislation to reestablish local regulation over cable television systems.

Current legislation before Congress provides for amendment to the Cable Communications Act of 1984 to restore local government regulation of subscriber rates, and allow increased competition in programming services.

Mayor Duncan stated that the Mayor and Council had received another sample resolution from Donald Heath of C & P Telephone which is being circulated by the U.S. Conference of Mayors. Councilmember Coyle indicated that he had spoken with the City's Cable representative, Roald Schrack, who confirmed that there is an across-the-board interest in greater local control and that part of the problem with the rate increases is that the original prices were artificially low. Additionally, Councilmember Coyle noted that Montgomery Cable's representative indicated that their rate of increase has been approximately ten percent per year. The national penetration rate is 56 percent of the available market while in Montgomery County the rate is only 40 percent because there is a lot of competition in this area for the recreation dollar. Councilmember Coyle recommended moving forward with the resolution.



Councilmember Hovsepien noted that she had also spoken with Mr. Green of Montgomery Cable and he questioned whether a change could be made regarding the 123 percent figure in the proposed resolution inasmuch as the increase has been only ten percent per year in their three year period of operation.

Councilmember Coyle noted that the original break-even cost estimate was about \$35 per customer and they were way under at \$1.50 for the initial service rate.

Councilmember Abrams pointed out that the first tier was negotiated and put in place specifically for a targeted population primarily as a replacement for antenna service; and, secondly, that the numbers used in the resolution were the result of a survey conducted by GAO in response to a request from Congress for a base to use as a model in the resolution. He also believes it would be reasonable for the City to provide an opportunity for the local company to come and discuss with the Mayor and Council their experience in Montgomery County; that the City should seek ways to open up a dialogue outside of the regulatory framework to discuss issues coming up with cable television.

Councilmember Coyle commented that Montgomery Cable had 80,000 service calls in the last two months of which 92-93% were answered. He concurred that other technology and services such as telephone should be explored.

Councilmember Abrams noted that there were discussions this past weekend in Orlando, in an attempt to define what the local interest is in cable television. He also noted that Congress has been wrestling with the question, "Is cable television a public utility or not," and that the answer has been "yes and no." It is the kind of issue which would be appropriate for a local forum with all participants. He commented that a public access channel is a necessity in municipal communications, one that needs to be sorted out even more than rate issues.

Councilmember Hovsepien noted the low price of the initial fee was so that the majority of the population would not be shut out. She pointed out that the clause in

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the proposed resolution which states that "the diversity of information services promised by the 1984 Cable Communications Act has failed to materialize" is dependent upon which County you are in; that the resolution is a general perception rather than specific to any one area.

In response to Councilmember Coyle, the City Manager noted that the elimination of the exact figure of increase would not hurt the integrity of the resolution. Councilmember Abrams commented that the Mayor and Council should specifically state what they hope to achieve since it is not a time-sensitive issue.

Staff was instructed to redraft the resolution and to also address the issues in the sample resolution submitted by Mr. Heath.

Re: Report of Councilman Dave  
Robbins on Sister City  
Corporation trip to Pinneberg,  
West Germany.

Councilmember Robbins noted that the group visiting Pinneberg had an enjoyable and very productive trip and that it was especially meaningful to him as he is the only member of the Council who had not previously visited Pinneberg. As liaison to the Rockville Sister City Corporation, it was an enormous learning experience. He detailed the events of official note, including a reception hosted by the German-American Society and the official reception on German American Day when the Rockville group went to City Hall where they were received by the Burgermeister and celebrated with approximately 200 people. At the German American Day reception, Councilmember Robbins presented the Proclamation of the Mayor and Council declaring "German American Day" in Rockville.

Councilmember Robbins noted that the potential exists to continue and expand the partnership in a number of areas such as Art in Public Places; staff recommendations regarding exchanges of technology, in particular, traffic control; ideas regarding swim centers. They are also very interested in how to make cost-effective tennis courts, and Councilmember Robbins was impressed with their system of bikepaths.

The Cafe Rockville has been replaced by the Cafe Big Snack. On the large green area next to the cafe, a new tax collection office will be built.

Councilmember Robbins also noted that the new "German American Day" concept lends itself to an exchange program in the fall and that he will have more specific recommendations for the Mayor and Council to perpetuate a more regular exchange. In summary, Councilmember Robbins noted that he had his entire family with him and traveled at his own expense and that it was a memorable journey.

Councilmember Coyle asked if the Germans expressed an interest in economic development. The City Manager responded that in terms of commonality, there were three main subject areas to pursue: planning and economic development; leisure-time activities; and public works inclusive of traffic control. Mr. Romer commented that there is a great deal of substance in the planning and economic development area and ways of sharing should be explored.

Mr. Romer also noted that in representing the City at the German-American Day celebration with the President of Pinneberg in attendance, Councilmember Robbins addressed the entire group in German.

Discussion followed as to the recent exodus from East Germany and the impact in the Pinneberg area.

Re: Discussion and adoption of  
travel policy for Mayor and  
Council.

Councilmember Abrams noted that, a little over two years ago, there had been a policy adopted by the Mayor and Council as to the type of official travel of the Mayor and Council and the process to be used to accommodate such travel. This policy addressed a distinction between domestic and international travel and concluded at that time that certain travel of the Mayor and Council was expected and routine and occurred in the normal course of activities. Everyone generally attends the annual meetings of the

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National League of Cities; in addition there is travel associated with the NLC committees. Other activities are extra such as the 30th Anniversary of the Sister City relationship when the entire Mayor and Council traveled to Pinneberg for that event. The policy adopted at that time is that any international travel must receive prior approval of the Mayor and Council. With regard to domestic travel, this would be accommodated in the budget process.

Discussion ensued regarding the distinction between what should and should not be considered routine.

Mayor Duncan stated that he supports the proposed policy; that the public has a right to know where the Mayor and Council are going as well as the Mayor and Councilmembers themselves. This is a very straightforward and simple policy which will facilitate better discussions among the Mayor and Councilmembers. Additionally, there should be a standard practice of reporting to the Mayor and Council when an individual returns from a trip.

Councilmember Hovsepien brought up the potential difficulty in getting prior approval in order to take advantage of early registration fees and less costly airline tickets. Mayor Duncan responded that such a situation could constitute an emergency and a telephone poll could be taken for approval.

Councilmember Abrams noted that he shares Councilmember Hovsepien's concern about a policy that may become too constrained but feels there should be some mechanism in place designating an approving authority for travel requests to insure that appropriate city policies are being followed. He further related the sensitivity with international travel and that this policy should be singled out so that the City will not run the risk of public criticism.

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Councilmember Robbins disagreed with singling out international travel only, noting that travel to Pinneberg is not in the same category as broad international travel and stating that the concept of junket can just as easily apply to domestic travel. He indicated the need for a uniform, written travel policy.

Councilmember Hovsepian clarified that the previous members of the Mayor and Council, not the current membership, were involved in setting the travel policy referred to by Councilmember Abrams. She agrees with the policy and noted the importance of having someone with administrative authority assure that the travel approval is on the agenda when necessary.

Following discussion, the Mayor and Council asked staff to prepare a Mayor and Council Travel Policy for adoption on the next Consent Agenda which would provide that all routine, anticipated, domestic travel be detailed in the budget document and that any other domestic travel as well as international travel would require discussion and approval by a majority of the Mayor and Council.

Re: FYI/Correspondence

Councilmember Abrams referenced a letter he had received from Willis Briddell indicating that when the land was donated to the City for a park in the Potomac Woods subdivision, it was to be named "Robertson Park." It was requested that the Recreation and Park Advisory Board follow up to modify the park entrance sign to include a reference to "Robertson Park."

Re: New Business

Councilmember Coyle commented that the Science and Technology Commission was currently meeting, and he had attended the first few minutes of their meeting. Representatives from both EPA and the County Emergency Management Group were making a presentation on a computerized system called CAMEO. He complimented Carrie Schaffer of the Commission for the outstanding program she had put together. The Commission will

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identify Rockville's needs for emergency services information and other areas of emergency preparedness and will be coming back to the Mayor and Council with some recommendations.

Councilmember Coyle also reported that last week the Council of Governments had their kickoff for Fire Prevention Week and that he was the keynote speaker of the event held at the Oyster School in Northwest Washington. There was an excellent turnout and media coverage included Channel 9 News.

Regarding Congressional Lane and the new turning lane on Rockville Pike, Councilmember Coyle noted concern regarding cars coming around the corner quickly and running into cars turning left into Congressional Plaza. Mayor Duncan stated that the plan is to ban a left-hand turn and staff was requested to report back on an interim solution.

Resolution No. 29-89

Mayor Duncan stated that former City Councilman Richard Haight had requested that the Mayor and Council pass a resolution urging President Bush to declare drunk driving a "national crisis" and to respond accordingly. Both the City of Gaithersburg and Montgomery County have passed similar resolutions.

Discussion ensued between the Mayor and Council and Mr. Haight as to the anticipated outcome of the passage of the resolution. The Mayor and Council then amended the Resolution to request President Bush to respond with his plans for implementing a blueprint for action to combat drunk driving.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 29-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted.

With respect to notices sent to all residents in the West End Planning Area regarding Sectional Map Amendment Application M-55-89, Mayor Duncan requested that future

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notices of this type include clarifying language so as to reduce the confusion expressed by many residents.

The Washington Post article last week on Rockville mentioned the common concerns of lack of signage in downtown Rockville. Mayor Duncan indicated that the Silver Spring Chamber of Commerce has an information center in one of their downtown centers and requested that the Rockville Chamber of Commerce explore the initiation of a similar service for downtown Rockville somewhere in the core area. Councilmember Abrams requested briefing materials regarding the Silver Spring operation.

Re: Executive Session

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 9:35 p.m. to discuss personnel and land disposition matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:10 p.m., to convene again in Public Hearing at 7:30 p.m. on October 16, 1989, or at the call of the Mayor.